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APR 30 2004

In re Application of
Robin Haley Gustin et al.
Application No. 10/699,978
Filed: November 3, 2003
Atty's Docket No. 79739 (6339)

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed March 29, 2004 in response to the Notice To File Missing Parts mailed February 13, 2004.

The application was filed November 3, 2003. However, on February 13, 2004 the Office of Initial Patent Examination mailed a Notice To File Missing Parts noting some inadequacies with the oath or declaration and the requirement for a late filing surcharge. The Notice also indicated that drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 would be required. This decision acknowledges receipt of the replacement oath or declaration and drawings.

Additionally, the Notice indicated that while the application had been accorded a filing date of November 3, 2003, Figures 17c-25 described in the specification appeared to have been omitted.

Petitioner asserts that the papers containing Figures 17c-25 were among the papers filed on November 3, 2003, and with the petition, submits, *inter alia*, a "legible" postcard receipt in evidence thereof. A review of the official file reveals fifty (50) pages of drawings including Figures 1-17b. The postcard receipt, identifies the application and acknowledges, *inter alia*, the number of drawing sheets to be eighty-eight (88) and bears a United States Patent and Trademark Office date-stamp of November 3, 2003. Further, the postcard receipt lacks any notation of non-receipt of any item listed. It is concluded that the replacement drawings of Figures 17c-25 makes up thirty-eight (38) sheets of drawings and therefore accounts for a total of eighty-eight (88) sheets of drawings.

In view of the foregoing, the petition is **Granted**. The "Notice" was improperly mailed and is withdrawn.

Given the basis for granting the petition, no petition fee is due and none has been charged.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on November 3, 2003 and the drawing sheets containing Figures 17c-25 submitted on petition March 29, 2004.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

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